



HON. SYLVIA O. HINDS-RADIX  
Corporation Counsel

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, N.Y. 10007

MICHAEL VIVIANO  
Senior Counsel  
phone: (212) 356-2368  
fax: (212) 356-3509  
mviviano@law.nyc.gov

December 18, 2023

**BY ECF**

Honorable Lorna G Schofield  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Application GRANTED *nunc pro tunc*.

Dated: December 19, 2023  
New York, New York

LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

Re: Clyde Pemberton v. the City of New York et al.,  
18-CV-07908 (LGS)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York and one of the attorneys assigned to represent defendant City of New York, Lt. Abdullah, and Police Officer Sengco in the above-captioned case. In that capacity, I write to respectfully request an enlargement of time *nunc pro tunc* to file defendants' bill of costs.

This request is made due to a filing error which made it impossible for defendants to fully file their bill of costs and supporting documents by the On December 15, 2023, defendants filed their notice of taxation of costs against plaintiff, simultaneously with their bill of costs. See ECF Nos. 166 and 166-1. Thereafter, defendants attempted to file their declaration in support with ten exhibits. For approximately an hour of attempting to file utilizing different computers, defendants continuously received with electronic errors which would ultimately cause ECF to crash. These errors were encountered at various points in the filing process, whether at the beginning when selecting parties or when attempting to upload the numerous exhibits. Ultimately, defendants were unable to file their declaration and exhibits on December 15, 2023. On Monday, December 18, 2023, defendants successfully filed the remaining documents to complete their filing for costs against plaintiff.

In light of the foregoing, defendants respectfully request a *nunc pro tunc* extension of time for defendants to file their cost application against plaintiff by one day, to December 18, 2023.

Defendants thank the Court for its time and consideration of this request.

Dated: New York, New York  
December 18, 2023

**HON. SYLVIA O. HINDS-RADIX**  
CORPORATION COUNSEL OF THE CITY OF NEW YORK  
*Attorney for Defendant City of New York, Lt.*  
*Abdulla, and Officer Sengco*  
100 Church Street  
New York, New York 10007

Respectfully submitted,

By: /s/ Michael Viviano  
Michael Viviano  
*Senior Counsel*

To: All counsel (By ECF)